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| <b>TO: Mail Stop 8</b><br><b>Director of the U.S. Patent &amp; Trademark Office</b><br><b>P.O. Box 1450</b><br><b>Alexandria, VA 22313-1450</b> | <b>REPORT ON THE</b><br><b>FILING OR DETERMINATION OF AN</b><br><b>ACTION REGARDING A PATENT OR</b><br><b>TRADEMARK</b> |
|---|---|

In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

|                               |                                |  |
|-------------------------------|--------------------------------|--|
| DOCKET NO.<br>CV 11-02472 HRL | DATE FILED<br>5/20/2011        | U.S. DISTRICT COURT<br>280 South First Street, Rm 2112, San Jose, CA 95113 |
| PLAINTIFF<br>EIT HOLDINGS LLC |                                | DEFENDANT<br>MONSTER WORLDWIDE, INC  |
| PATENT OR<br>TRADEMARK NO.    | DATE OF PATENT<br>OR TRADEMARK | HOLDER OF PATENT OR TRADEMARK  |
| 1 5,828,837                   |                                | SEE ATTACHED COMPLAINT   |
| 2                             |                                |  |
| 3                             |                                |  |
| 4                             |                                |  |
| 5                             |                                |  |

In the above—entitled case, the following patent(s) have been included:

|                            |   |                               |  |
|----------------------------|---|-------------------------------|--|
| DATE INCLUDED              | INCLUDED BY<br><input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading |                               |  |
| PATENT OR<br>TRADEMARK NO. | DATE OF PATENT<br>OR TRADEMARK  | HOLDER OF PATENT OR TRADEMARK |  |
| 1                          |   |                               |  |
| 2                          |   |                               |  |
| 3                          |   |                               |  |
| 4                          |   |                               |  |
| 5                          |   |                               |  |

In the above—entitled case, the following decision has been rendered or judgement issued:

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|--------------------|
| DECISION/JUDGEMENT |
|--------------------|

|                              |                                   |                      |
|------------------------------|-----------------------------------|----------------------|
| CLERK<br>Richard W. Wiekling | (BY) DEPUTY CLERK<br>Betty Walton | DATE<br>May 23, 2011 |
|------------------------------|-----------------------------------|----------------------|

Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

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ORIGINAL FILED  
MAY 20 2011  
Richard W. Wieking  
Clerk, U.S. District Court  
Northern District of California  
San Jose

14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA

16 EIT HOLDINGS LLC, a Delaware company,

17 Plaintiffs,

18 vs.

19 MONSTER WORLDWIDE, INC., a  
20 Delaware Corporation,

21 Defendants.

CV 11-02472  
Case No.

HRL

ORIGINAL COMPLAINT  
FOR: PATENT INFRINGEMENT

DEMAND FOR JURY TRIAL

22 ORIGINAL COMPLAINT

23 Plaintiff EIT Holdings LLC ("Plaintiff" or "EIT"), files this Original Complaint against  
24 Monster Worldwide, Inc. ("Monster") alleging as follows:

25 THE PARTIES

26 1. Plaintiff, EIT Holdings LLC is a limited liability company organized under the  
27 laws of the state of Delaware, having its principal place of business at 2711 Centerville Road,  
28 Suite 400, Wilmington, DE, 19808.

2. Defendant Monster, on information and belief, is a corporation organized under the laws of the state of Delaware, and has a principal place of business at 622 Third Ave., New York, NY 10017-6707. Monster may be served through its attorney Justin Boyce at Dechert LLP, 2440 W. El Camino Real, Suite 700, Mountain View, CA 94040-1499.

### **JURISDICTION & VENUE**

3. This is an action for infringement of a United States patent. Accordingly, this action arises under the patent laws of the United States of America, 35 U.S.C. § 1 et seq., and jurisdiction is properly based on 35 U.S.C. § 271 and 28 U.S.C. § 1338(a).

4. Venue is proper in this district under 28 U.S.C. §§ 1391(b-c) and 1400(b). Upon information and belief, the Defendant transacts or has transacted business in this judicial district, or committed and/or induced acts of patent infringement in this district.

### **PATENT INFRINGEMENT COUNT**

5. On December 10, 2010, EIT filed a patent infringement action against multiple Defendants, including Monster, in the Northern District of California (C-10-05623-WHA) before the Honorable William H. Alsup. On May 11, 2011, Judge Alsup held that the Defendants, including Monster, were improperly joined. He dismissed all except the first-named Defendant and invited counsel to re-file against each Defendant in a separation action.

6. On October 27, 1998, United States Patent No. 5,828,837 ("the '837 patent") entitled "Computer Network System and Method for Efficient Information Transfer" was duly and legally issued. EIT holds the title by mesne assignments from the inventor, including the right to sue for past, present and future damages. A copy of the '837 patent is attached as Exhibit A. The '837 patent is directed to a method and system that maintains a profile for registered users and then transmits references to target information to the users based on their profile.

7. Pursuant to 35 U.S.C. § 282, the '837 patent is presumed valid.

8. To the extent necessary, Plaintiff has complied with the notice and marking requirements of 35 U.S.C. § 287.

9. Monster utilizes a website that provides commercial and non-commercial information or allow users to buy products or services. Its website allows users to register and

1 create a user account, which includes a unique id such as a unique email address or a user defined  
2 unique username for ordering or accessing information. Monster receives and stores information  
3 about the users in a database through the use of a web connected server. When a registered user  
4 accesses Monster's website, references to commercial and non-commercial target information,  
5 such as advertisements, additional content on areas of interest or information about additional  
6 products, are transmitted to the user and displayed on his or her web accessible device including  
7 but not limited to a desktop computer, a laptop computer, a mobile phone or a game console.  
8 Monster determines appropriate target information for each user based on the user profile  
9 information including but not limited to demographics, personal preferences, interests, past  
10 content viewing history and past purchase history.

11 10. Monster, on information and belief, utilizes a computer network system and  
12 method for transferring information that infringes at least claims 40 and 41 of the '837 patent, by  
13 utilizing the features described in Paragraph 9 on at least its website www.Monster.com and/or  
14 other websites utilizing similar features. By making, operating, using and/or selling such websites,  
15 Monster has infringed and continues to infringe, contribute to the infringement of, or induce the  
16 infringement of at least claims 40 and 41 of the '837 patent, either literally or under the doctrine  
17 of equivalents.

18 11. Accordingly, Monster's acts of infringement of the '837 patent, as alleged above,  
19 have injured Plaintiff and thus, Plaintiff is entitled to recover damages adequate to compensate it  
20 for Monster's acts of infringement, which in no event can be less than a reasonable royalty.

21 **DEMAND FOR JURY TRIAL**

22 12. Plaintiff hereby demands a jury trial on all claims and issues.

23 **PRAYER FOR RELIEF**

24 Wherefore, Plaintiff prays for entry of judgment:

- 25 1. that Defendant Monster Worldwide, Inc.. has infringed one or more claims,  
26 specifically claims 40 and 41, of the '837 patent;
- 27 2. that Defendant Monster Worldwide, Inc. accounts for and pays to Plaintiff all  
28 damages caused by the infringement of the '837 patent, which by statute can be no less than a

1 reasonable royalty;

2 3. that Plaintiff be granted pre-judgment and post-judgment interest on the damages  
3 caused to them by reason of Defendant Monster Worldwide Inc.'s infringement of the '837 patent;

4 4. that costs be awarded to Plaintiff; and

5 5. that Plaintiff be granted such other and further relief as the Court may deem just  
6 and proper under the current circumstances.

7 Dated: May 20, 2011

Respectfully submitted,

8  
9 By: 

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